

Applicant: Kevin L. Parsons
Application No.: 10/615,316
Filed: July 8, 2003
Date: March 21, 2005
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REMARKS

In response to the Office Action mailed October 26, 2004 Applicant has amended claims 48, 53, 54, 56, 60, 61, 67 and 69 and has canceled claims 52 and 75, to more clearly define the present invention. The independent claims of the present invention have been amended to more closely resemble allowed claim 4 of U.S. Patent No. 6,019,018C1. The amended claims are therefore patented claim 4 with added limitations. As such, and in view of the terminal disclaimer previously filed, it is believed that all of the present claims are allowable. Review, reconsideration and allowance of claims 47-80 are respectfully requested.

THE PRESENT INVENTION

The present invention concerns a flashlight comprising an LED light source, a power source, a power source frame adapted to receive the power source and a power source frame housing enclosing at least a portion of each of the light source. The power source, the power source frame and the power source frame housing being elongated and the light source being located at one end thereof. The flashlight further comprises a switch, a side cover and a decorative medallion disposed in or on the side cover. The medallion, as per the definition of medallion and as clearly noted in the claims (previously amended), is opaque and thus cannot serve to function as a lens or light diffusing element.

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THE CITED REFERENCES

The Office Action has rejected claims 48-59, 60-66, 67 and 68, and 69-80 under 35 USC section 103(a) as being unpatentable over Padden (U.S. Patent No. 5,893,631) in view of Beinbrech (U.S. Patent No. 4,087,570) and further in view of Parsons et al (U.S. Patent No. 6,045,237). While Padden discloses a flashlight having an LED, battery, switch and a cover, it does not disclose a power source frame, powers source frame housing as well as a medallion on the flashlight. Applicant's patent 6,190,018, from which the present patent is a continuation in part of continuation applications, and for which claims 48, 60 , 67 and 69 of the present application have been amended to copy the scope of reexamined claim 4, was reexamined and issued over the teachings of the Padden patent. Applicant submits that as claim 4 of Applicant's '018 patent is patentable over Padden, the inclusion of further limitations in the present claims would make those claims patentable as well.

Beinbrech teaches both the use of medallions and lenses, but does not teach the use of a flashlight or the use of a *medallion* with a light source. Instead, Beinbrech teaches the use of a **lens** 68, which the Office Action has confused for a medallion. The lens 68 shown in Figures 8 and 9 of the '570 patent, cited by the Office Action is not a medallion. A medallion, as explained above, is not used to focus or diffuse light, it is instead is a decorative element, typically made of materials through which light cannot pass. The Beinbrech disclosure teaches the use of a lens in association with a light source to create an illuminated indicator 60, such as used on radio dials. Beinbrech does not teach the use of a *medallion* in association with a light source. The Parsons et al. reference teaches the use of a flashlight, but does not teach the same type of flashlight having the patentable elements in the amended claims. As such, no one having ordinary skill in the art would use the teachings of Beinbrech in association with the teachings of Padden and Parsons et al. to arrive at the present invention.

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It is believed that the remainder of the rejections, concerning the dependent claims and the other independent claims, are obviated by these amendments and remarks. Notably, and as stated in Applicant's previous response, no persons having ordinary skill in the art would make the lens of Beinbrech out of metal as a metal lens would transmit no light making the use of an LED within Beinbrech nonsensical. There is no direction in Beinbrech or Padden which would lead anyone having ordinary skill in the art to combine the two into a flashlight with a medallion. Further, the present invention is not designed to provide a decorative article that illuminates in the dark as shown in Beinbrech (that is an article having a light that is emitted and/or diffused through a decorative lens), instead it is a flashlight with a decorative *opaque* medallion set into its side.

While the rejections of all of the above claims are made over a series of paragraphs within the body of the Office, it is believed that the amendments and remarks made above sufficiently distinguish the present invention from the cited art.

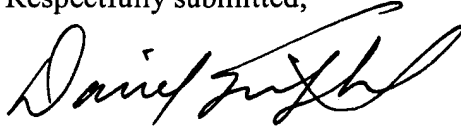
RECONSIDERATION AND ALLOWANCE ARE REQUESTED

Applicant hereby respectfully requests reconsideration and continued examination. A sincere effort has been made to overcome the Action's rejections and to place the application in allowable condition. Applicant invites the Examiner to call Applicant's attorney to discuss any aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

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In view of the foregoing remarks and amendments, it is believed that the subject application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel M. Gurfinkel", written in a cursive style.

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March 21, 2005

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